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Paper 30

Filed 23 July 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MIRNA RAPP
Junior Party
(Application 09/869,031),

v.

ARMIN PRASCH
and
BERNHARD LUY
Senior Party
(Patent 6,596,318).
Patent Interference No. 105,541)
(Technology Center 1600)

Judgment - Request for Adverse - Bd. R. 127(b)

Before: SCHAFFER, TIERNEY, and MOORE Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

Junior Party Rapp has filed a request for entry of adverse judgment (Paper 25) against its claims which correspond to the Counts.

Upon consideration of the request, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 4) is awarded against Junior Party Mirna Rapp.

FURTHER ORDERED that Junior Party Mirna Rapp is not entitled to a

1 patent containing claims 25-28, 37, 52, and 54-57 (corresponding to Count 1) of:

2
3 U.S. Patent Application 09/869,031
4 filed 16 October 2001.

5 FURTHER ORDERED that judgment on priority as to Count 2 (Paper 1,
6 page 4) is awarded against Junior Party Mirna Rapp.

7 FURTHER ORDERED that Junior Party Mirna Rapp is not entitled to a
8 patent containing claims 43-49, 53, 59-63, and 67-73 (corresponding to Count 2)
9 of:

10 U.S. Patent Application 09/869,031
11 filed 16 October 2001.

12 FURTHER ORDERED that as there is a settlement agreement, attention
13 shall be directed to 35 U.S.C. § 135(c).

14 FURTHER ORDERED that a copy of this JUDGMENT shall be placed in
15 the files of (1) application 09/869,031 and (2) U.S. Patent 6,596,318.

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